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*Attorney for Defendant Francisco Eljio Castillo

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 United States of America,

14 Plaintiff,

15 v.

16 Francisco Eljio Castillo,

17 Defendant.

Case No. 2:22-mj-00029-DJA

Order

18 **Stipulation**

19 Mr. Castillo was charged by complaint with three counts: (1) Operating a
20 Motor Vehicle while Under the Influence of Alcohol (a violation of 36 C.F.R. §
21 4.23(a)(1)); (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher (a
22 violation of 36 C.F.R. § 4.23(a)(2)); and (3) Speeding (a violation of 36 C.F.R. §
23 4.21(c)). (ECF No. 1.)

24 Mr. Castillo entered a plea agreement, pleaded guilty to Count One, and was
25 sentenced as follows: "Defendant is sentenced to one year unsupervised probation;
26 \$500.00 fine and \$10.00 penalty assessment; attend and complete lower court DUI
27 course and victim impact panel; successfully complete an eight (8) hour online

1 alcohol awareness course; restricted from Lake Mead National Recreational Area
2 for six months; and do not violate any local, state, or federal laws. If the defendant
3 completes his conditions within the first six months of his unsupervised probation,
4 the parties will jointly move to allow the defendant to withdraw his guilty plea to
5 count one, and the government will move to amend count one to Reckless Driving,
6 see plea agreement. Counts two and three are DISMISSED.” (ECF No. 26.)

7 Mr. Castillo now has completed the special conditions of his unsupervised
8 probation. Accordingly, the parties jointly request that the Court allow Mr. Castillo
9 to withdraw his guilty plea to Count One (Operating a Motor Vehicle Under the
10 Influence) and enter a plea of guilty to an Amended Count One: Reckless Driving.

11 Dated April 16, 2024.

12 Respectfully submitted,

13
14 Rene L. Valladares
15 Federal Public Defender

Jason Frierson
United States Attorney

16 /s/ Rick Mula
17 Rick Mula
Assistant Federal Public Defender

/s/ Kimberly Frayn
Kimberly Frayn
Assistant United States Attorney

Proposed Order

Based on the representations of counsel, the Court finds that Mr. Castillo has completed the requirements of his unsupervised probation in accordance with his plea agreement and sentence.

IT IS THEREFORE ORDERED that Mr. Castillo is permitted to withdraw his guilty plea to Count One: Operating a Motor Vehicle Under the Influence.

IT IS FURTHER ORDERED that the Court, consistent with the plea agreement and sentence, enters a plea of guilty to Amended Count One: Reckless Driving.

IT IS FURTHER ORDERED that the status conference set for April 26, 2024, at 11:30 AM is vacated.

IT IS FURTHER ORDERED that the Clerk of the Court will close this case.

17th
DATED this ____ day of April, 2024.



DANIEL J. ALBREGTS
United States Magistrate Judge